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Attorney for Defendant Government Employees Insurance Company

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

EUGENE DIVISION

TODD WHITE, as personal representative
to the ESTATE OF JANICE WHITE,

Plaintiff,

v.

GOVERNMENT EMPLOYEES
INSURANCE COMPANY dba GEICO, a
Maryland corporation

Defendant.

Case No. 6:17-cv-00515

**NOTICE OF REMOVAL OF CIVIL
ACTION**

**(Marion County Circuit Court Case
No. 17CV07879)**

TO: The Clerk of the United States District Court for the District of Oregon; and Plaintiff
Todd White, as personal representative to the estate of Janice White, by and through his
attorneys, Travis S. Prestwich and the Law Offices of Swanson, Lathen, Prestwich, P.C.:

Defendant Government Employees Insurance Company (“GEICO”) hereby gives notice
that this action is removed to the United States District Court for the District of Oregon, Eugene
Division, from the Circuit Court of the State of Oregon for Marion County. Pursuant to 28 USC
§1441 and 28 USC §1446, GEICO further states:

PROCEDURAL POSTURE--STATE COURT ACTION

1. GEICO is the sole defendant named in a civil action filed by plaintiff in the Circuit Court of the State of Oregon for Marion County, entitled *Todd White, as personal representative to the Estate of Janice White v. Government Employees Insurance Company dba GEICO, a Maryland corporation*, Marion County Circuit Court Case Number 17CV07879 (the “State Court Action”).
2. The State Court Action was commenced when plaintiff filed his Complaint with the Clerk for the Circuit Court of the State of Oregon for Marion County on or about February 17, 2017. And, through service on its registered agent, GEICO first received the Summons and Complaint on February 28, 2017. As of the date of the filing of this Notice of Removal of Civil Action, 30 days have not elapsed from the time this matter first became removable.
3. This Notice of Removal of Civil Action is timely, under 28 USC §1446(b), in that it is being filed within 30 days of the GEICO’s first receipt of plaintiff’s Complaint. Apart from Notices of Removal, GEICO has filed no pleadings in this action to date.
4. The following pleadings constitute all of the process, pleadings, and orders received by GEICO or filed by plaintiff in the State Court Action up to the present time: the initial Summons and Complaint, true copies of which are attached to this Notice of Removal as Exhibits “A” and “B,” respectively, the Assignment to Trial Judge, attached to this Notice as Exhibit “C,” and the Affidavit of Service attached to this Notice as Exhibit “D.”

5. The State Court Action is a controversy between citizens of different states. GEICO is informed and has a good faith belief that plaintiff is, and at all material times has been, an Oregon resident. GEICO is, and at all material times has been, a corporation duly incorporated under the laws of the State of Maryland, with its principal place of business in Chevy Chase, Maryland.
6. The State Court Action is a civil action by plaintiff for “Breach of Contract, Negligence, Tortious Breach of Fiduciary Duty.” Plaintiff alleges he has incurred \$27,000 in “economic damages” and \$100,000 in “general damages,” exclusive of plaintiff’s attorneys’ fees. Accordingly, the amount in controversy in the State Court Action is in excess of the sum of \$75,000, exclusive of interest and costs. GEICO denies that it is liable to plaintiff for the allegations and Claims asserted in the State Court Action.

STATEMENT OF JURISDICTION

7. This Court has original jurisdiction of this civil action pursuant to 28 USC §1332, and the action, therefore, is subject to removal pursuant to 28 USC §1441(a).
8. Venue is proper in the United States District Court for the District of Oregon, Eugene Division, because the State Court Action is removed from the Marion County Circuit Court of Oregon.
9. GEICO is concurrently filing a Notice to State Court of Removal with the Clerk of the Marion County Circuit Court, in accordance with 28 USC §1446(d). Such Notice is also being concurrently served on plaintiff through his attorneys.

GEICO's NON-WAIVER AND RESERVATION of RIGHTS

10. By filing this Notice of Removal of Civil Action, GEICO does not waive, and it expressly reserves, all rights, claims, defenses, privileges and/or objections of any nature that GEICO may have to plaintiff's allegations, Claims, and State Court Action.

DATED this 30th day of March, 2017.

GORDON & POLSCER, L.L.C.

/s/ Brian C. Hickman

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*Attorney for Defendant Government
Employees Insurance Company*

CERTIFICATE OF SERVICE

I certify that on the date noted below, I filed the foregoing **NOTICE OF REMOVAL OF CIVIL ACTION** using the CM/ECF system. I further certify that on the date noted below I served a true copy of the same on the parties noted below in the manner indicated:

By US Mail and Email

Travis Prestwich
Swanson Lathen Prestwich, PC
3040 Commercial St. SE
Suite 200
Salem, OR 97302
travis@slamlaw.com

Of Attorneys for Plaintiff

DATED this 30th day of March, 2017.

GORDON & POLSCER, L.L.C.

/s/ Brian C. Hickman

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